



Attorney Docket No. 5405-301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Newgard et al.

Art Unit: 1614

Application No.: 10/760,644

Filed: January 20, 2004

Confirmation No. 1840

For: *LACTATE DEHYDROGENASE AS A NOVEL TARGET AND  
REAGENT FOR DIABETES THERAPY*

Date: September 23, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application mailed August 30, 2004, enclosed is an executed Declaration and Power of Attorney.

A copy of the notice and a check in the amount of \$130.00 is also enclosed to cover the surcharge under 37 C.F.R. § 1.16(e).

The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Respectfully submitted,

Karen A. Magri  
Registration No. 41,965

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number: EV473657160US

Date of Deposit: September 23, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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09-24-04



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/760,644	01/20/2004	Christopher B. Newgard	5405.301

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CONFIRMATION NO. 1840

## FORMALITIES LETTER



\*OC000000013663407\*

Date Mailed: 08/30/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

09/27/2004 AWONDAF1 00000056 10760644

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130.00 OP

*E. Chudy*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE